

House Bill 224 (AS PASSED HOUSE AND SENATE)

By: Representatives Burkhalter of the 50th and Smith of the 113th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to
2 residential and general contractors, so as to change certain provisions relating to creation of
3 the State Licensing Board for Residential and General Contractors, membership, divisions,
4 vacancies, qualifications, terms, and meetings; to change certain provisions relating to
5 appointment of members, chairperson, meetings and quorums, and assistance from
6 professional licensing boards division; to provide an effective date; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and
11 general contractors, is amended by revising Code Section 43-41-3, relating to creation of the
12 State Licensing Board for Residential and General Contractors, membership, divisions,
13 vacancies, qualifications, terms, and meetings, as follows:

14 "43-41-3.

15 (a) There is created the State Licensing Board for Residential and General Contractors
16 consisting of ~~14~~ 15 members appointed by the Governor for five-year terms. The board
17 shall be assigned to the Secretary of State's office for administrative purposes and shall be
18 under the jurisdiction of the division director and shall operate in accordance with and
19 pursuant to the provisions of Chapter 1 of this title, as applicable. The board shall be
20 comprised of two divisions: the residential contractor division, having jurisdiction of and
21 authority over the two subcategories of residential contracting, residential-basic contractors
22 and residential-light commercial contractors, and the general contractor division. ~~Seven~~
23 Eight members shall be appointed and serve as members of the residential contractor
24 division of the board and seven members shall be appointed and serve as members of the
25 general contractor division of the board. Members shall serve until the expiration of their
26 respective terms and until their successors are appointed and qualified. Vacancies

1 occurring during a term shall be filled by appointment of the Governor for the remainder
2 of the unexpired term and such replacement shall meet the requirements and criteria of
3 selection of the person previously holding the vacant position. To be eligible to serve on
4 the respective divisions of the board, each contractor member shall be and remain actively
5 involved in the construction contracting business and shall have been so engaged for a
6 period of not less than five consecutive years before the date of appointment in the
7 particular contracting business, as a residential contractor or general contractor,
8 corresponding to the division for which such person is appointed. Any contractor members
9 whose term continues after or who are appointed to terms commencing two years from the
10 date that this chapter becomes effective must also have been licensed and certified by the
11 respective division of the board to operate as a contractor in the category to which the
12 member is appointed. The position of any appointive member of the board who, during his
13 or her term of appointment, shall cease to meet the qualifications for original appointment
14 shall be immediately vacated. No member of the board shall be appointed to serve more
15 than two full terms.

16 (b) The residential contractor division shall consist of ~~seven~~ eight members and, except
17 as otherwise expressly stated in this chapter, shall have jurisdiction of and authority over
18 the practice of the two subcategories of residential contracting, residential-basic contractors
19 and residential-light commercial contractors. ~~Five~~ Six members shall be residential
20 contractors eligible for licensure under this chapter. ~~Effective; provided, however, that~~
21 effective July January 1, 2007 2008, all residential contractor members shall be required
22 to be licensed under this chapter. At least two of the residential contractor members shall
23 be qualified to perform residential-light commercial type projects; three shall be qualified
24 and shall predominantly perform residential-basic type projects; one shall be a residential
25 contractor whose business predominately involves remodeling projects; one shall be a
26 residential contractor who constructs at least an average of 20 residences per year; and all
27 must be geographically diverse. One member shall be a public building official and one
28 member shall be a public member. The public member shall have no ties with the
29 residential construction industry and shall represent the interests of the public at large. The
30 initial member terms on the residential contractor division shall be staggered so that all
31 terms do not expire simultaneously. Three members shall serve initial terms of five years,
32 three members shall serve initial terms of four years, ~~and~~ one member shall serve an initial
33 term of three years, and one member shall serve an initial term of one year. The residential
34 contractor division shall meet at least six times each year for the purpose of transacting
35 such business as may properly come before it.

36 (c) The general contractor division shall consist of seven members and, except as
37 otherwise expressly stated in this chapter, shall have jurisdiction of and authority over the

1 practice of general contracting. Five members shall be general contractors eligible for
2 licensure under this chapter. Effective ~~July~~ January 1, ~~2007~~ 2008, all general contractor
3 members shall be required to be licensed under this chapter. At least two of the general
4 contractor members shall be small-volume builders with an annual contracting volume of
5 less than \$5 million and all of whom must be geographically diverse. One member shall
6 be a currently licensed or registered architect or engineer and one member shall be a public
7 building official. The initial member terms on the general contractor division shall be
8 staggered so that all terms do not expire simultaneously. Three members, including at least
9 two contractor members, shall serve initial terms of five years; three members, including
10 at least two contractor members, shall serve initial terms of four years; and one member
11 shall serve an initial term of three years. The general contractor division shall meet at least
12 six times each year for the purpose of transacting such business as may properly come
13 before it."

14 **SECTION 2.**

15 Said chapter is further amended by revising subsection (a) of Code Section 43-41-4, relating
16 to appointment of members, chairperson, meetings and quorums, and assistance from
17 professional licensing boards division, as follows:

18 "(a) The initial members of the board shall be appointed no later than July 1, 2005. The
19 fifteenth member of the board shall be appointed not later than July 1, 2007. The board
20 shall meet within 30 days after its appointment at a time and place to be designated by the
21 Governor and organize by electing a chairperson and a vice chairperson, each to serve for
22 a one-year term."

23 **SECTION 3.**

24 This Act shall become effective upon its approval by the Governor or upon its becoming law
25 without such approval.

26 **SECTION 4.**

27 All laws and parts of laws in conflict with this Act are repealed.